

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRIAN N. DRAKE,)
Petitioner,) The Honorable Robert E. Keeton
v.) Case No. 04-11426 REK
UBS FINANCIAL SERVICES INC.,)
Respondent.)

STIPULATION AND REQUEST FOR ORDER

Petitioner Brian N. Drake ("Drake") and Respondent UBS Financial Services Inc. ("UBS"), for their Stipulation and Request for Order, reached after conferring pursuant to L.R. 7.1, hereby request an extension of time to and including December 8, 2004 for UBS to file its Response to Drake's Amended Motion to Vacate Arbitration Award Or, Alternatively, Request for Remand. In support of this Stipulation and Request for Order, the parties state as follows:

1. The parties have previously entered into a number of Stipulations and Requests for Order for Drake to have extensions of time to file an amended Complaint and Application (Motion) to Vacate – the most recent of these requesting an extension to October 8, 2004 for Drake to file his amended Complaint and Application (Motion) to Vacate.

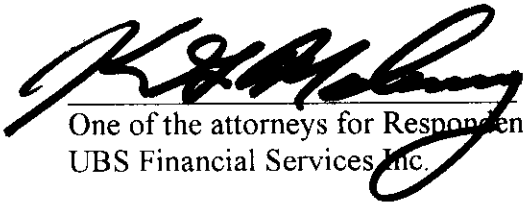
2. Pacer reflects that Drake filed his Amended Motion to Vacate Arbitration Award Or, Alternatively, Request For Remand ("Amended Motion to Vacate") on October 8, 2004. Drake's Certification of Service attached to his Amended Motion to Vacate certifies to service upon respondent on September 7, 2004 via first class mail, postage prepaid.

3. On November 24, 2004, counsel for both parties conferred by telephone and agreed that UBS could have until December 8, 2004 to file its response to Drake's Amended Motion to Vacate. Chicago Counsel for UBS has had to deal with a number of unanticipated

emergency matters this past week that have precluded him from completing UBS's response, including unexpectedly travel to Nashville, in addition to previously scheduled arbitration hearing dates last Tuesday and Thursday. Another colleague who might have handled the emergency matter was also out of the office on an emergency matter last week.

WHEREFORE, Petitioner Brian N. Drake and Respondent UBS Financial Services Inc. respectfully request that the Court enter an Order accepting this Stipulation and entering an order granting UBS an extension of time to and including December 8, 2004, to file its response to Drake's Amended Motion to Vacate Arbitration Award Or Alternatively, Request for Remand.

Respectfully submitted:



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Certificate Of Service

The undersigned hereby certifies that on November 24, 2004, he caused a copy of the foregoing Stipulation and Request for Order to be served upon:

William A. Jacobson
Shanna L. Pitts
Law Offices of William A. Jacobson, Inc.
850 Turks Head Building
Providence, Rhode Island 02903

by facsimile and placing true copies of same in a properly addressed, postage prepaid envelope and causing that envelope to be deposited in the United States Mail at 60 State Street, Boston, Massachusetts.

A handwritten signature in black ink, appearing to read "K. J. Mahoney", is written over a horizontal line.

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